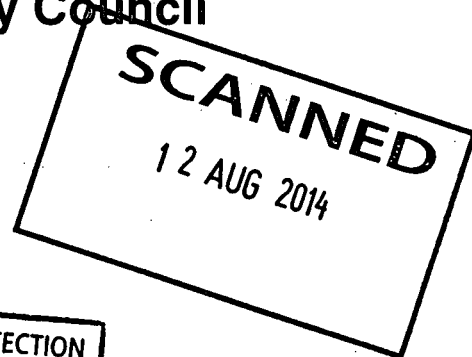


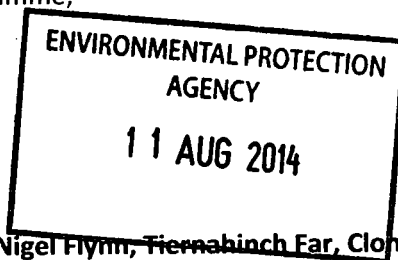


Comhairle Contae Mhuineacháin Monaghan County Council

Friday 08 August, 2014



Noeleen Keavey,
Programme Officer,
Environmental Licensing Programme,
EPA - PO Box 3000,
Johnstown Castle Estate,
Co. Wexford



Re: Reg. No. P0926-02 – Mr Nigel Flynn, Tiernabrinch Far, Clones, Co. Monaghan
Application for licence

Dear Noeleen,

I refer to your correspondence dated 3rd of July 2014.

Having reviewed the planning history associated with these developments I can confirm that the decision of the Planning Authority was not appealed by any party to An Bord Pleanála. Accordingly the decision of the Planning Authority is the applicable grant of planning permission relating to this development.

In respect of the proposed licence as referred to in your respective correspondence please be advised that Monaghan County Council has no objections in respect of Integrated Pollution Prevention and Control Licence being issued in respect of the above development. The Environment Section has recommended the inclusion of specific conditions to be attached to any future licence.

- All licensed facilities depending on off-site disposal of organic fertilisers and their agents should take account of sensitive areas identified in the County Development Plan 2013 to 2019. The licensee should demonstrate that County Development Plan objectives and policies for protection of waters are integrated into site management, landbank selection and nutrient management planning (including phosphorus application rates). The proposed use of landbanks by licensee and their agents in the catchment of water supply sources should seek approval in writing from the local authority.
- A fully traceable manure movement system for off-site movement of manures is provided by licensee.

Please find attached a copy of the respective planning decision and the planners report relating to the grant of permission P/13/282.

I trust this provides your department with a satisfactory over view of matters relating to this development.

Fáiltíonn an tUdarás Áitiúil roimh chomhfhreagras i nGaeilge.

Comhairle Contae Mhuineacháin, Oifigí an Chontae, An Gleann, Muineachán, Éire.
Monaghan County Council, County Offices, The Glen, Monaghan, Ireland.

☎ 00353 47 30500 📠 00353 47 82739 🌐 www.monaghan.ie

✉ eolas@monaghancoco.ie info@monaghancoco.ie

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Acmhainní Daonna
Human Resources
047 30586

Airgeadas
Finance
047 30589

Na Bóithre
Roads
047 30597

Clár na dTogthóirí
Register of Electors
047 30547

Comhshaol
Environment
047 30593

Deontais Ardoideachais
Higher Education Grants
047 30550

Na hEalaíona
Arts
047 71114

Iasachtaí / Deontais Tithíochta
Housing Loans/Grants
047 30527

Leabharlann an Chontae
County Library
047 74700

Mótarcháin
Motor Tax
047 81175

Músaem an Chontae
County Museum
047 82928

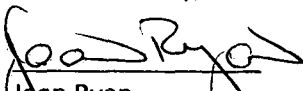
Pleanáil
Planning
047 30532

Pobal & Fiontar
Community & Enterprise
047 73719

Rialú Dóiteáin/Foirgnimh
Fire/Building Control
047 30521

Seirbhís Uisce
Water Services
047 30504

Yours Sincerely,


Joan Ryan
Administrative Officer

Appendix 1

Enc: Copy of Permission 13/282 (decision notice) along with copy of planning officers report.

For inspection purposes only.
Consent of copyright owner required for any other use.

MONAGHAN COUNTY COUNCIL
PLANNING AND DEVELOPMENT REPORT

File Ref: 13/282

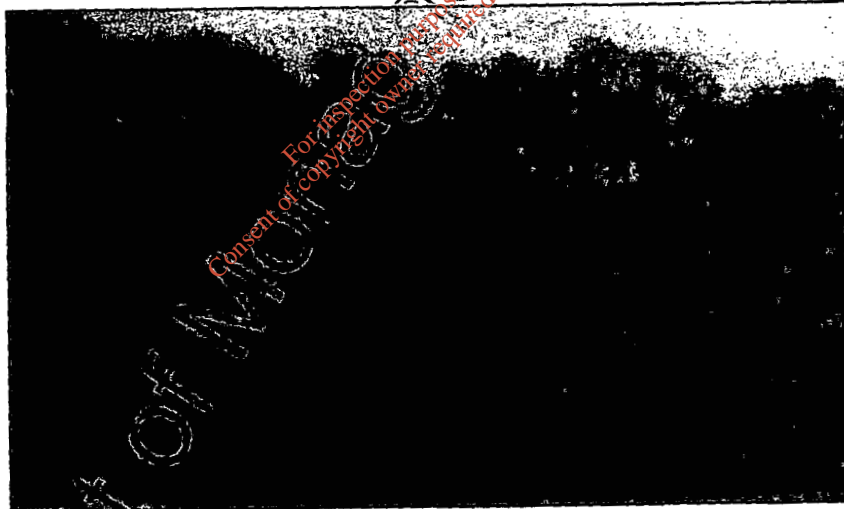
Applicant: Nigel Flynn

Development: Permission to erect a poultry unit, underground washing storage tank, vertical meal bin, use existing agricultural entrance and all ancillary site works within existing farm complex. The proposed development comprises or is for the purpose of an activity for which an Integrated Pollution Prevention Control Licence is required. The planning application is to be accompanied by an Environmental Impact Statement and that EIS will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the offices of Monaghan County Council.

Location: Tiernahinch Far Td, Clones

Characteristics of the Site

The site consists of a portion of land which measures 0.47 hectares in size. The site is accessed via an existing lane way and is therefore set back of the local road. The site currently accommodates several agricultural buildings/outbuilding as well as two existing poultry units.



Awaiting E.H.O. Report positive report on way

E.I.S. was not recorded in Plan
Maps and Drawings remain
System - recorded on 6/12/13 Genie

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Consequently, in accordance with Policy AFP2, favourable consideration to agricultural development will be given subject to meeting a number of criteria:

- i. *It is necessary for the running of the enterprise*
Given the location of the proposed shed in conjunction with an existing agricultural complex, it is clearly required to aid the business.
- ii. *Is appropriate in terms of scale, location and design*
The dimensions of the proposed structures are as follows:
 - Poultry unit, height of 5303mm and length of 21000mmIt is considered that the design and scale of the structures is acceptable. The poultry unit will be located within close proximity to two existing units. Whilst it is noted that the unit will be located on slightly higher ground, the rising land to the south of the site will help to integrate the building.
- iii. *Does not seriously impact on the visual amenity of the area or on the natural or manmade environment.*
By virtue of the fact that the site is set back off the road and is screened by existing agricultural buildings, there are no concerns that the proposal will impact negatively on the surrounding area.
- iv. *Is located within or adjacent to existing farm buildings, unless where the applicant has clearly demonstrated that the building must be located elsewhere for operational or other reasons.*
The site contains several existing agricultural buildings and two existing poultry units thus complying with the above requirement.
- v. *Is sited so as to benefit from any screening provided by topography or existing landscape*
By virtue of the fact that the site is set back off the road and is screened by existing agricultural buildings, there are no concerns that the proposal will impact negatively on the surrounding area. The rising land to the rear of the site will help with the overall integration of the unit.
- vi. *Is not located within 100 metres of any residential property not located on the holding, unless with the express written consent of the owner of that property*
The submitted site layout plans indicate that two family dwellings are located within 100. These dwellings are located within the ownership of the applicant.
- vii. *Will not result in an unacceptable loss of residential amenity by reason of noise, smell, pollution, general disturbance etc.*
There are no residential units within 100 metres of the application site. Accordingly there are no issues in respect of the proposed development affecting residential amenity.
- viii. *Will not result in a traffic hazard:*
The site is accessed via an established and existing laneway.
- ix. *Will not result in a pollution threat to sources of potable water, water courses, aquifers or ground water.*

Environment Section has been consulted and has no objections to this proposal.

Policy AFP4

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The proposal seeks an extension to the original farm complex to afford for a new poultry shed and manure storage shed this comply with this policy.

(a) Human beings, fauna and flora

In respect of impact on humans, it is noted that there are two dwellings within family ownership are located within 100 metres of the proposed development. Noise impacts on neighbouring residents at operation stage will be minimal, given that the farming practice is to be contained predominantly indoors. In respect of the impact emanating from the proposal during construction phase, given the separation distance of the application site from any neighbouring residential properties and having regard to the typical construction processes with a development of this nature, it is not considered that impacts on humans at this stage of the development process will be to an unacceptable degree.

Regarding the impact on flora and fauna, it is noted that the site in question is an agricultural field which adjoins an existing agricultural complex. The EIS notes that some levelling of ground levels will be required to facilitate the development, however no existing hedging is required to be removed to facilitate the proposal. It is noted that the site is not located within or adjacent to any designated site. The submitted EIS notes that the Bord Bia bait programme will be enforced by the developer. In addition, the developer will set bait at various strategic locations are the new house and maintain a weekly check and associated records. A map outlining the locations and numbers of baiting stations will be drawn up and a baiting checklist will be kept.

In summary, having regard to the project details and assessment of same against the human beings, fauna and flora it is considered that the submitted application identifies the impact(s) which may result on human beings, flora and fauna both adjacent to the site area and further afield.

(b) Soil, water, air, climate and the landscape

The EIS notes that the local soils are primarily grey brown podzolics which are derived mostly from limestone glacial tills. The development will be operated on an impermeable concrete base with sufficient storm water drainage system and will use a dry litter system of bedding and provide storage facilities for wash waters. Soils samples are collected annually and analysed by Teagasc to determine the nutrient content of the soil and determine the fertilising programme for the following year if required.

The EIS notes that by virtue of the strictly controlled nature of the development, soils in the area will not be adversely affected.

The EIS states that there are 3 number surface water bodies located within 1km of the existing development although it is not considered that the proposed development will impact upon the quality of these water bodies. The EIS states that taking into consideration the adequate soil cover, setback from the peat areas, sound concrete foundations, strict monitoring of the operation and the unlikelihood of point or diffuse source pollution from the development no adverse effects to local groundwater/aquatic environment or local water amenity value is envisaged.

The EIS noted that the facility along with the existing poultry units has an existing impact on air quality as a result of emissions from combustion of LPG to heat the houses. In addition, the EIS states that the thorough cleaning of the houses between batches will ensure that dust emissions will not be an issue. Although dust will be generated during the construction phase it will only be evident within the site and will not impact on dwelling or other buildings within the vicinity. It is noted that regular washing of the yard areas and periodic rainfall will also mitigate any dispersal of dust generated by site traffic. Adequate ventilation systems installed within the houses will ensure no nuisance of dust inside the houses.

The EIS notes that the site is located within the drumlin style hills and its peripheries are rural and agricultural with many of the surrounding lands being employed in agriculture. It is

The site lies within 10km from Slieve Beagh SPA and within 1km from Kilroosky Lough Cluster SAC. The following issues are of relevance in the screening exercise:-

- The distance of the proposed development site from any Natura 2000 site.
- The scale and nature of the proposed development.
- The conservation objectives of Slieve Beagh SPA, and Kilroosky Lough Cluster SAC.
- The relevant policies within the County Monaghan Development Plan 2013-2019 in respect of the protection of Natura 2000 sites.
- The in combination effects of the proposed development with other plans or projects.

The conservation objective of Slieve Beagh SPA is to maintain or restore the favourable conservation condition of the Hen Harrier. The conservation objective of Kilroosky Lough Cluster SAC is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected namely:

- White Clawed Crayfish
- Hard oligo-mesotrophic waters
- Calcareous fens
- Alkaline fens.

It is considered that by virtue of the nature of the proposed development and the distance of the site from both of the Natura 2000 sites, there will not be any significant effects on the integrity of the Natura 2000 site. In addition, it is noted that a small stream flows to the north of the site. The stream flows into Lacky River which in turn flows into the River Finn and eventually into the Upper Lough Erne SPA/SAC. The planning authority is of the opinion that the development is sufficiently removed from the aforementioned Natura 2000 site to ensure that it will not have any significant effect on its integrity. Having regard to cumulative effects of both the proposed development and any other plan or project, it is the opinion of the planning authority that the development is not of a nature or scale to have any significant effects on the integrity the above mentioned or any other Natura 2000 sites and therefore a Stage 2 Appropriate Assessment is not required in respect of this project.

Development Contribution

In accordance with Category 5(g) of the General Development Contribution Scheme 2013-2019 the following contribution is applicable:

Gross floor space of proposed unit = 1,951 square metres.

Over 300 square metres = €500 +€2 per square metre above 300.

€500 + €3302 = €3,802

Recommendation

That planning permission is **GRANTED** subject to the following conditions:

1. Prior to commencement of development the developer shall pay to Monaghan County Council a sum of **€3802.00** in accordance with the General Development Contribution Scheme 2013-2019 made under Section 48 of the Planning and Development Act 2000 (as amended), towards expenditure incurred or proposed to be incurred by the Council in the provision of community, recreation and amenity public infrastructure and facilities, which will facilitate the proposed development.

The Development Contribution Scheme shall be updated by the Planning Authority on an annual basis, in accordance with the Wholesale Price Index for Building and

Assessment of Environmental Impact Statement as submitted and the Environmental Impact Assessment as carried out by the assigned Planning Officer

Having reviewed the details as contained within the submitted application and the related Environmental Impact Statement and the Environmental Impact Assessment Report as carried out by the assigned planning officer I consider the Planning Authority to have fully considered the proposed development and I accept the conclusions as reached in respect of this proposed development.

In this regard I therefore consider it appropriate to grant permission for the proposed development, subject to conditions as recommended in the attached report.



Adrian Hughes
A/Director of Services

11.12.13

Maps and Drawings remain

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1. Prior to commencement of development the developer shall pay to Monaghan County Council a sum of **€3802.00** in accordance with the General Development Contribution Scheme 2013-2019 made under Section 48 of the Planning and Development Act 2000 (as amended), towards expenditure incurred or proposed to be incurred by the Council in the provision of community, recreation and amenity public infrastructure and facilities, which will facilitate the proposed development.

The Development Contribution Scheme shall be updated by the Planning Authority on an annual basis, in accordance with the Wholesale Price Index for Building and Construction (Materials and Wages). The sum attached to this condition shall be revised from the date of the grant of planning permission to the value pertaining at the time of payment in accordance with the annual update and the amount of contribution attached therein. The payment of the said contribution shall be subject to the following:


- (i) Where the proposed works are, within a period of 7 years prior to or from the date of payment of the full contribution or final instalment payment thereof, not commenced, the return of the contribution or the instalments thereof, paid during that period.
 - (ii) Where the proposed works are, within a period of 7 years from the date of payment of the full contribution or final instalment payment thereof, carried out in part only, or in such a manner as to facilitate the proposed development to a lesser extent, the return of a proportionate part of the contribution or the instalments thereof paid during that period.
 - (iii) Payment of interest at the prevailing interest rate payable by Council on the contribution or any instalments thereof that have been paid, so long as and in so far as it is or they are retained unexpended by the Council.
- 2a. The planting details and associated site works as indicated on plans as submitted to the Planning Authority on the 21st October 2013 shall be fully implemented in the first available planting season following commencement of building operations.
 - b. Landscaping works within the site area as detailed on plans as submitted to the Planning Authority on the 21st October 2013 to be permanently retained thereafter being planted. Any plant which fails in the first planting season to be replaced.
 - c. Only that portion of the roadside hedgerow, which must be lowered or uprooted to provide adequate sight distances to be removed. All other trees and hedgerows bounding this site to be permanently retained in this development, to be reinforced with additional planting and to be protected from damage at all times, particularly during building operations.
 - d. Any boundary fencing to be of stained wood.
3. Records of poultry litter management activities shall be maintained on site at all times and submitted to the Environmental Section of Monaghan County Council on request: Records shall comply with requirements of Article 23 of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010 and as a minimum shall include:
 - a. Name and address of Disposal Contractor.
 - b. Date of each disposal operation.
 - c. Quantity (weight and volume) disposed of
 - d. For each disposal operation, the name, address and telephone number of

P13/282 Nigel Flynn, Tiernahinch Far Td., Clones, Co. Monaghan.

- i. the Company who has taken possession of poultry house manure,
 - ii. together with the end of use of the material.
 - e. In the event of poultry manure being landsread farmer name(s) address and herd number(s)
 - f. Any other information as may be required from time to time by the Planning Authority.
4. The development shall be carried out in accordance with details as submitted to the Planning Authority on the 21st October 2013, except as may otherwise be required in order to comply with the above conditions.

THE REASONS FOR THE IMPOSITION OF THE ABOVE CONDITIONS ARE:

1. It is considered appropriate that the developer should contribute towards the expenditure incurred or proposed to be incurred by the Council in the provision of community, recreation and amenity infrastructure and facilities, which will facilitate the proposed development.
2. In the interest of visual amenity.
3. In the interest of Environmental Protection.
4. To ensure a satisfactory standard of development.


Adrian Hughes
A/Director of Services

11 DEC. 13
Date

Maps and Drawings remain

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MONAGHAN COUNTY COUNCIL

13/282
11/12/2013

1. Any appeal, against a decision of a Planning Authority under Section 34 of the Act of 2000, may be made to An Bord Pleanála. The appeal period for the applicant and other persons will be four weeks from the day the Planning Authority makes its decision.
2. Appeals should be addressed to The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1. An appeal by the applicant should be accompanied by this form. In the case of an appeal by any other person, the name of the person, particulars of the proposed development and the date of the decision of the Planning Authority should be stated.
- (a) The fee for an appeal against a decision of a Planning Authority, on a planning application relating to a commercial development, made by the person who made the planning application is €1,500 or €3,000 if there is an EIS or NIS involved. Commercial Development means development for the purpose of any professional, commercial or industrial undertaking, development in connection with the provision for reward of services to persons or